



Agenda Date: 5/8/01

Agenda Item: 3-B

## **STATE OF NEW JERSEY**

### **Board of Public Utilities**

*Two Gateway Center*

*Newark, NJ 07102*

#### CABLE TELEVISION

IN THE MATTER OF COMCAST )  
CABLEVISION OF OCEAN COUNTY, INC. )  
FOR APPROVAL OF THE FILING OF FCC )  
FORM 1240, AN ANNUAL UPDATING )  
OF THE MAXIMUM PERMITTED RATE FOR )  
THE REGULATED BASIC CABLE SERVICE )  
USING THE OPTIONAL EXPEDITED RATE )  
PROCEDURES )

#### ORDER ADOPTING STIPULATION

DOCKET NO. CR00090670

(SERVICE LIST ATTACHED)

BY THE BOARD:

On September 29, 2000, Comcast Cablevision of Ocean County, Inc. ("Petitioner") filed Federal C") Form 1240, Docket Number CR00090670, seeking approval by the Board of Public Utilities ("Board") for an annual rate adjustment in its maximum permitted rate resulting from an adjustment for inflation, programming costs and copyright fees pursuant to the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. § 543 et seq., and provisions of the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 et seq.

The Board, at its public meeting on January 10, 1996, in Docket Number CX95120636, approved the implementation of Optional Expedited Rate Procedures for the processing of certain filings made with the Office of Cable Television ("OCTV"). The intended purpose of these procedures is to grant final rates as quickly as possible to any cable company that chooses this process. In the spirit of cooperation based on the principles of Alternate Dispute Resolution ("ADR"), the discovery content is limited, thereby reducing the timeframe for settlement.

Petitioner chose to pursue its filing with the Board through the approved procedures. To that end, a pre-transmittal conference was held on November 2, 2000 and attended by representatives of the Petitioner, the Division of the Ratepayer Advocate and Board Staff. Petitioner agreed to waive its Office of Administrative Law ("OAL") litigation rights for this matter. It should be noted that Petitioner's waiver was a knowing, voluntary and intelligent waiver of its litigation rights at the OAL and that the waiver did not constitute a circumvention of the FCC rules nor did it affect Petitioner's right to appeal in that forum.

Petitioner notified its customers of the rate increase by way of a newspaper announcement informing them of their opportunity to submit written comments to the Board for a period of thirty

days. The notice appeared in the Ocean Observer on February 16, 2001. During this time, no comments were received as a result of this public notice.

Upon review by Staff and the Ratepayer Advocate of the supporting documentation, schedules and other discovery requests, a settlement conference was held on November 13, 2000. On March 28, 2001, the parties entered into a Stipulation of Settlement.

The Board has reviewed the Stipulation and FINDS it to be reasonable, in the public interest and in accordance with the law. Therefore, the Board HEREBY ADOPTS the Stipulation of Settlement (attached hereto) as its own, incorporating by reference the terms and conditions therein as if fully set forth at length herein.

DATED: May 9, 2001

BOARD OF PUBLIC UTILITIES  
BY:

(signed)

CAROL J. MURPHY  
ACTING PRESIDENT

(signed)

FREDERICK F. BUTLER  
COMMISSIONER

ATTEST:

(signed)

FRANCES L. SMITH  
SECRETARY

IN THE MATTER OF  
COMCAST CABLEVISION OF OCEAN COUNTY, INC.

FCC FORM 1240 USING THE OPTIONAL  
EXPEDITED RATE PROCEDURES

DOCKET NUMBER: CR00090670

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